

REMARKS

Applicants submitted a first Amendment and Remarks under 37 C.F.R. 1.116 on November 26, 2003 in response to a final Office Action mailed August 26, 2003. An Advisory Action was mailed on January 6, 2004. Applicants respectfully request that the above amendment and the following remarks be considered and entered so as to place the pending claims into condition for allowance.

Claims 1-6, 8, 10, 12-17, 27-32, 41-48, and 50-53 are currently pending in the application, claims 7, 11, and 49 having been cancelled and new claims 51-53 having been added by the foregoing amendment.

In the Advisory Action mailed January 6, 2004, the Examiner indicated that claims 27-32 and 42 were allowed. The Examiner objected to claims 5, 11, 12, and 46 as being dependent claims of rejected independent claims, but indicated that these claims would be allowable if rewritten in independent form with all of the limitations of the parent claims. The Examiner maintained the rejection of claims 1-4, 6-8, 10, 13-17, 41, 43-45, and 47-50.

Applicants have amended claim 1 to incorporate language from claim 5 that the Examiner indicated was allowable. Specifically, claim 1 has been amended to specify that the detector is “operable to generate a signal to control an adjustment of the volume of the solution in the first reservoir.” Applicants respectfully submit that claim 1 is in condition for allowance. As claims 2-6, 8, 10, 12-17, 41, and 51 depend from claim 1 or an intervening dependent claim, Applicants likewise respectfully submit that these claims are also patentable.

Applicants have amended claim 43 to incorporate language from claim 46 that the Examiner indicated was allowable. Specifically, claim 43 has been amended to specify that the detector is “operable to generate a signal to control an adjustment of the first volume of the solution.” Applicants respectfully submit that this claim is in condition for allowance. As claims 44-48, 50, and 53 depend from claim 42 or an intervening dependent claim, Applicants likewise respectfully submit that these claims are also patentable.

Applicants have amended claims 12 and 29-32 to change the claims from which they depend. Applicants submit that changing the dependency of these claims does not raise new issues. Applicants have amended claim 12 to depend directly from claim 10, rather than claim 11, as claim 11 has been canceled. Claim 10 depends from claim 1, which Applicants submit is in condition for allowance. Applicants have amended claims 29-32 to depend directly from independent claim 27 rather than intervening dependent claims. As the Examiner has indicated that claim 27 is allowable, Applicants respectfully submit that these claims are also allowable.

Applicants have canceled claims 7, 11, and 49 in order for Applicants to submit new claims without the payment of additional claim fees. Further, Applicants note that most of the limitations in these claims are recited in other dependent claims that are still pending.

Applicants have added new claims 51-53. New claim 51 depends from claim 1 and recites that “any solution exceeding a height of the first reservoir does not return to the first reservoir.” New claim 52 depends from claim 27 and recites that “any solution exceeding a height of the local reservoir does not return to the local reservoir.” New claim 53 depends from claim 48 and recites that “any portion of the first volume of solution that exceeds a height of the container for the first volume of solution does not return to the container for the

first volume of solution.” Support for these claims can be found on pages 2, 5, 7, and 12 of the specification and in the claims as originally filed, among other places. Applicants respectfully submit that the addition of these new claims does not raise new issues. Each of these claims depends from a claim that Applicants respectfully submit is in condition for allowance. Accordingly, Applicants respectfully submit that these new claims are also in condition for allowance. Although Applicants believe that these claims are separately patentable, it is not necessary for Applicants to set forth such arguments herein due to these claims dependence from allowable claims.

Applicants note that the Examiner interpreted the term “indicative” in the Advisory Action mailed January 6, 2004. Applicants submit that the term “indicative” has its ordinary meaning and reserves the right to set forth an interpretation of the term “indicative” that differs from the Examiner’s in a subsequent proceeding before the Patent Office, in a litigation, or in another proceeding.

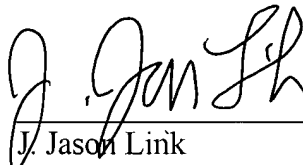
Finally, Applicants note that the foregoing amendments seek to place the claims in condition for allowance based on the Examiner’s indication of allowable subject matter in the Advisory Action. Rather than extend prosecution by filing a Request for Continued Examination or by undertaking an appeal, Applicants have determined that claims incorporating the allowed subject matter are acceptable. Nonetheless, Applicants maintain that the claims submitted with the Amendment mailed November 26, 2003 are patentable over the references cited for the reasons set forth therein.

CONCLUSION

For the foregoing reasons, a favorable Office Action is respectfully solicited. The Examiner is respectfully invited to contact J. Jason Link at 336.607.7443 or Charles W. Calkins at 336.607.7315 to discuss any matter relating to this application.

Respectfully submitted,

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